ESTTA Tracking number:

ESTTA460674 03/08/2012

Filing date:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202948
Party	Defendant Apollo Sprayers International, Inc.
Correspondence Address	H DANIEL FULLER CADDEN FULLER LLP 114 PACIFICA, SUITE 450 IRVINE, CA 92660 0755 UNITED STATES dfuller@caddenfuller.com
Submission	Withdrawal Of Application
Filer's Name	H. Daniel Fuller
Filer's e-mail	dfuller@caddenfuller.com
Signature	/H. Daniel Fuller/
Date	03/08/2012
Attachments	APO0102ABANDONMENTOFAPP.pdf ( 4 pages )(129114 bytes )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DAVID A. KAY AND	) Opposition No. 91202948
CHRISTOPHER N. CRAMER	)
	) Mark: MAXIMIST
Opposers,	)
	) Application Serial No. 85/225,969
v.	)
	)
APOLLO SPRAYERS	)
INTERNATIONAL, INC.,	)
	)
Applicant.	)

# EXPRESS ABANDONMENT (WITHDRAWAL) OF APPLICATION TO REGISTER "MAXIMIST" TRADEMARK

Applicant Apollo Sprayers International, Inc., a California corporation ("Applicant") has filed an application (intent to use) for the mark "MAXIMIST" bearing Application Number 85/225,969 ("Application"). A Notice of Opposition has been filed by David A. Kay and Christopher N. Cramer ("Opposers").

Applicant hereby expressly abandons its Application, and the Opposers have consented to the abandonment of the same. See Exhibit A hereto.

Respectfully submitted,

Dated: March 8, 2012

ADDENA POLVER LLE

By: H. Daniel Fuller 114 Pacifica, Suite 450

Irvine, California

Telephone: (949)788-0827 Facsimile: (949)450-0650

Attorneys for Applicant

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of EXPRESS ABANDONMENT (WITHDRAWAL) OF APPLICATION TO REGISTER "MAXIMIST" TRADEMARK has been served on the following by delivering said copy on March 2, 2012, via First Class Mail, postage prepaid, to counsel for Opposer at the following address:

Boris Umansky Leydig, Voit & Mayer, LTD. Two Prudential Plaza, Suite 4900 180 North Stetson Chicago, Illinois 60601

Bv:

Serial No. 85/225,969

#### Cecilia A. Perkins

From:

Umansky, Boris [bumansky@leydig.com]

Sent:

Thursday, March 08, 2012 8:10 AM

To:

Cecilia A. Perkins

Cc:

Dan Fuller

Subject: RE: APO0102: David Kay, et al. v. Apollo Sprayers: MAXIMIST Trademark Application

Hi Cecilia,

Our clients consent to the withdrawal of Apollo's U.S. trademark application for MAXIMIST.

Regards,

Boris Umansky

Leydig, Voit & Mayer, Ltd.

bumansky@leydig.com | (312) 616-5687 (Direct) | http://www.leydig.com

From: Cecilia A. Perkins [mailto:cperkins@caddenfuller.com]

Sent: Thursday, March 08, 2012 9:37 AM

**To:** Umansky, Boris **Cc:** Dan Fuller

Subject: RE: APO0102: David Kay, et al. v. Apollo Sprayers: MAXIMIST Trademark Application

Importance: High

May we please hear from you this morning, since we would like to file the withdrawal no later than tomorrow.

Thanks!

Cecilia A. Perkins, Esq. Cadden & Fuller LLP 114 Pacifica, Suite 450 Irvine, CA 92618-3326 Telephone: (949) 788-0827 Facsimile: (949) 450-0650

From: Umansky, Boris [mailto:bumansky@leydig.com]

Sent: Tuesday, March 06, 2012 2:36 PM

To: Cecilia A. Perkins

Cc: Dan Fuller

Subject: RE: APO0102: David Kay, et al. v. Apollo Sprayers: MAXIMIST Trademark Application

Hello Cecilia,

Thank you for your e-mail. I will discuss this with my client and will revert to you within the next few days.

Regards,

**Boris Umansky** 

Leydig, Voit & Mayer, Ltd.

bumansky@leydig.com | (312) 616-5687 (Direct) | http://www.leydig.com

From: Cecilia A. Perkins [mailto:cperkins@caddenfuller.com]

Sent: Tuesday, March 06, 2012 3:56 PM

**To:** Umansky, Boris

3/8/2012



Cc: Dan Fuller

Subject: FW: APO0102: David Kay, et al. v. Apollo Sprayers: MAXIMIST Trademark Application

Our client, Apollo Sprayers International, Inc., has decided to withdraw its application with respect to Application Number 85225969 for MAXIMIST which your clients have opposed. We assume you will consent to the withdrawal of this application. Kindly confirm so that the necessary documents can reflect the same.

Cecilia A. Perkins, Esq. Cadden & Fuller LLP 114 Pacifica, Suite 450 Irvine, CA 92618-3326 Telephone: (949) 788-0827